

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) Criminal No. 18-CR-30059-MGM
)
KEVIN A. JOHNSON,)
)
Defendant)

GOVERNMENT'S SENTENCING MEMORANDUM

On October 23, 2018, two employees of the Springfield office of the Social Security Administration (“SSA Springfield”) opened a package sent to the office. Inside the package was white powder, appearing similar to Anthrax, which can be fatal to humans if inhaled or touched. Special Agents of the Federal Bureau of Investigation (“FBI”) and members of the Massachusetts Hazardous Material (“Hazmat”) Team responded to SSA Springfield. Hazmat evacuated the building and tested the white powder, which was onion salt. A letter accompanying the package contained the following statement: “FOR ALLAH YOU DIE, ATHENA KNOWS YOUR LIES, DEATH TO YOU TRAITORS, AND THE FUCKING FBI.”

The next day on October 24, 2018, the Springfield FBI office (“FBI Springfield”) received a package similar to that received by SSA Springfield. The package contained white powder, appearing similar to Anthrax, but which also tested as onion salt. A letter accompanying the package contained the following statement: “FOR ALLAH YOU DIE, ATHENA KNOWS YOUR LIES, DEATH TO THE N.O.R.A.D., AND THE FBI.”

1. Government's Sentencing Recommendation

On November 6, 2019, the defendant pleaded guilty to two counts of false information and hoaxes related to purported biological weapons. The defendant pleaded guilty pursuant to an agreement with the government, in which the parties agreed that the total offense level is 15 (Doc.

No. 76). In accordance with the parties' plea agreement, the government recommends that the defendant be sentenced as follows: *incarceration for 18 months, followed by 3 years of supervised release, and a mandatory special assessment of \$200.*

2. The Defendant Merits the Recommended Sentence

In 2001, beginning just a week after the September 11 attacks on the World Trade Center and the Pentagon, America experienced what many consider its worst bioterrorist attack. Mailed letters laced with Anthrax spores killed five people and infected seventeen others, closed Congress and the Supreme Court, and crippled mail service for months. Though no Anthrax attacks have occurred in the United States since that time, a flood of Anthrax hoaxes in the many years following the 2001 attacks caused emergency evacuations, decontamination efforts, the loss of work of thousands of employees, the wasting of first responders' time, and severe emotional distress to countless victims and intended targets.

Though it likely took less than an hour to assemble and send the packages the defendant mailed to SSA Springfield and FBI Springfield, the defendant's criminal actions wiped the SSA Springfield office out of service for almost an entire day and likely instilled fear into the hearts of innocent civilian workers.

Here, a sentence of 18 months imprisonment will reflect the seriousness of the offense, provide respect for the laws criminalizing hoaxes involving purported biological weapons, justly punish the defendant, deter others, and protect the public in Western Massachusetts. *See* 18 U.S.C. § 3553(a)(2)(A)-(C). In addition, the support and services provided by Probation during the defendant's term of supervised release will help rehabilitate the defendant and encourage him to live a lawful life. In recommending this sentence at the low end of the guidelines as calculated by the parties, the undersigned has considered the defendant's lifelong struggles with mental health.

A sentence of 18 months represents a “sufficient, but not greater than necessary” sentence to comply with the purposes of punishment, deterrence, public protection, and rehabilitation. 18 U.S.C. § 3553(a).

3. Conclusion

For the foregoing reasons, the Government respectfully requests that the Court impose a sentence of incarceration for 18 months, 3 years of supervised release, and a mandatory special assessment of \$200.

Respectfully submitted,

ANDREW E. LELLING
UNITED STATES ATTORNEY

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Certificate of Service

February 20, 2020

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Deepika Bains Shukla
Deepika Bains Shukla
Assistant United States Attorney